

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

COURTROOM PROCEEDINGS

The court met in its courtroom at 10:00 A.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Brad Hill, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Shandra Santana, Deputy Clerk.

F054397 In re Justo Morales on Habeas Corpus

Cause called and argued by Michael Satris, Esq., counsel for petitioner Justo Morales and by Maria G. Chan, Esq., Deputy Attorney General, counsel for respondent Justo Morales.

Cause ordered submitted.

Court recessed until Tuesday, February 17, 2009 at 1:30 P.M.

The court reconvened in its courtroom at 1:30 P.M. Present: Honorable James A. Ardaiz, Presiding Justice; Honorable Dennis A. Cornell, Associate Justice; Honorable Gene M. Gomes, Associate Justice; and Charlene Ynson, Clerk/Administrator, by Lisa J. Prosser, Senior Deputy Clerk.

F055879 321 Henderson Receivables Origination LLC, v. Tomahawk

Cause called and argued by Margaret A. Grignon, Esq., counsel for appellant 321 Henderson Receivables Origination LLC. Judith Red Tomahawk, respondent in propria persona waived oral argument.

Cause ordered submitted.

F056252 321 Henderson Receivables Origination LLC, v. Ramos

Cause called and argued by Wendy S. Albers, Esq., counsel for appellant 321 Henderson Receivables Origination LLC. Lisa Ramos, respondent in propria persona waived oral argument. Earl Nesbitt (Pro Hac Vice) for National Assoc. of Settlement Purchases Amicus for appellant.

Cause ordered submitted.

Court recessed until Wednesday, February 18, 2009 at 10:00 A.M.

IN THE

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Fifth Appellate District

F054759 People v. Kellar

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F054759 People v. Kellar

The judgment is affirmed with modifications.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056813 IC-Wasco, L.P. et al. v. Susan Rice

Appellant having failed to perform the acts necessary to procure the record after the clerk of the trial court issued notice pursuant to the provisions of rule 8.140, California Rules of Court, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

F054997 People v. Cleveland

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

F054997 People v. Cleveland

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054063 People v. Rodriguez

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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F054063 **People v. Rodriguez**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F055643 **People v. Reyes**
The above-entitled case is submitted for decision.

F055643 **People v. Reyes**
The judgment is affirmed.
By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054703 **People v. Del Rosario**
Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

IN THE
Court of Appeal of the State of California

IN AND FOR THE
Fifth Appellate District

F054703 People v. Del Rosario

The judgment is affirmed.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F053340 People v. Chatman

The Penal Code section 1202.45 fine is stricken and presentence custody credit in the amount of 1,231 days is awarded. Otherwise, the judgment is affirmed. The trial court is directed to prepare an amended abstract of judgment and distribute it to the appropriate authorities. Cornell, Acting P.J.

We concur: Gomes, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056618 In re Finding of Esteban Martinez as a Vexatious Litigant

In light of his history of meritless filings, this court finds that Esteban Martinez is a vexatious litigant within the meaning of section 391. Henceforth, pursuant to section 391.7, Esteban Martinez may not file "any new litigation in the courts of this state in propria person without first obtaining leave of the presiding judge of the court where the litigation is proposed to be filed."

The clerk of this court is directed to provide a copy of this opinion and order to the Judicial Council. Copies shall also be mailed to the presiding judge and clerks of the Fresno County Superior Court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F054668 In re Marriage Grady v. Britten

The judgment is reversed with modifications. Dawson, J.

We concur: Vartabedian, Acting P.J.; Levy, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

F056233 People v. Robinson

Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.

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- F055033 People v. Tomlinson**
Appellant's petition for rehearing filed herein is denied.
- F054525 People v. Zarate**
The judgment is affirmed. Kane, J.
We concur: Vartabedian, Acting P.J.; Levy, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F055963 People v. Betorina**
The above-entitled case is submitted for decision.
- F055963 People v. Betorina**
The judgment is affirmed.
By the Court.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F053997 Kaljian v. Parineh et al.**
The judgment is affirmed. Levy, Acting P.J.
We concur: Dawson, J.; Kane, J.
[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]
- F056386 People v. Hogan**
Appellant having filed an abandonment and/or request for dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the above-entitled action is dismissed.